

REMARKS

Applicants have amended claim 10, limiting the process claim to 30 to 40 moles of ethylene oxide per mole of alkylglucoside, consistent with the other claims in the application. Support for this amendment is found on page 3, lines 20-28 of the specification.

The Examiner rejected claims 1 and 4-9 under 35 U.S.C §102(b) as being anticipated by Desai et al. (US 5,502,175). The Examiner also rejected claims 1-10 under 35 U.S.C §102(b) as being anticipated by WO-99/67017. Applicants respectively disagree.

In regards to Desai, the Examiner reads the reference as teaching polyethyloxyated compounds reading on the instant invention when the number of ethoxy groups in the four side chains (that is the sum of $A+B+C+D$) is 30-40; $R_1, R_2, R_3, R_4 = H$ or $-C(O)M$ with $M=C_{11-18}$; and $R_5 = Methyl$. Applicants respectfully disagree.

As noted in Applicants' specification, Desai teaches fatty acid esters of methyl glucose derivates where the number of moles of ethylene oxide used to ethoxylate the product, that is the sum of the ethoxy groups in the four side chains ($A+B+C+D$) of the final material, ranges from 84 to 300. Desai discloses, in column 2, lines 10-20, a structure where A, B, C and D are each independently equal to 21 to 75. Therefore, the sum of the ethoxy groups in the side chains ($A+B+C+D$) taught by Desai is $(21+21+21+21)$ to $(75+75+75+75)$, giving an epoxy group range in Desai of 84 to 300.

In contrast, the Applicants' invention requires the sum of the ethoxy groups in the side chains ($A+B+C+D$) to be 30 to 40. This range, required by the Applicants' invention does not correspond or overlap with the ranges in Desai. Desai does not teach the range required in Applicants' claimed invention, therefore Desai does not anticipate Applicants' claimed invention and the rejections against claims 1 and 4-9 should be removed.

In regards to WO-99/67017, the Examiner reads the reference as teaching ethyoxylated esterified methyl glycosides and their use in cosmetic formulations and feels this covers all of Applicants' claims. Applicants respectfully disagree.

Similar to the arguments above in regards to Desai, the Applicants' invention is significantly different from this reference in regards to the number of ethoxy groups present in the side chains of the final composition.

WO-99/67017, on page 4, lines 2-7, states that the amount of alkoxylation is critical to the desired performance of the final products, specifically water solubility and viscosification. The reference goes on to define the amount of alkoxylation as 50 to 400, preferably 80 to 180, and more preferably 100 to 160 moles of alkylene oxide to polyol. This is equivalent to the number of moles of ethylene oxide present per mole of methyl glucoside, which is represented by the sum of the ethoxy groups in the side chains (A+B+C+D) of the final structure. Therefore, the sum of the ethoxy groups in the side chains (A+B+C+D) taught by WO-99/67017 is 50 to 400, preferably 80 to 180, and more preferably 100 to 160.

In contrast, the Applicants' invention requires the sum of the ethoxy groups in the side chains (A+B+C+D) to be 30 to 40. This range, required by the Applicants' invention does not correspond or overlap with the ranges in WO-99/67017. WO-99/67017 does not teach the range required in Applicants' claimed invention, therefore WO-99/67017 does not anticipate Applicants' claimed invention and the rejections against claims 1-10 should be removed.

In addition, the relative differences in the span of the ranges reinforces to the novelty and non-obviousness of Applicants' invention. Applicants' required range covers a 10 point span between the upper and lower limits of 30 to 40. In contrast, Desai teaches ranges of 84 to 300, a 216 point span, and WO-99/67017 teaches ranges of 50 to 400, 80 to 180, and 100 to 160, spans of 350, 100 and 60 respectively. Given this guidance, a person skilled in the art would have no expectation that fatty acid esters of methyl glucose derivatives within the significantly lower and narrower range of ethoxy groups claimed by the Applicants are more suitable than those within the ranges taught by Desai or WO-99/67017. The references do not teach, suggest or disclose the narrow range required by the Applicants, therefore the references do not teach, suggest or disclose Applicants' invention.

In view of the foregoing amendment and remarks, Applicants have shown their invention to be both novel and unobvious over the prior art cited. Accordingly, Applicants respectfully request allowance of all the claims in the application.

If for any reason the Examiner believes that a telephone conference would expedite the prosecution of this application, I can be reached at the telephone number listed below.

Any required fees or any deficiency or overpayment in fees should be charged or credited to The Lubrizol Corporation Deposit Account No. 12-2275.

Respectfully submitted,

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